

RESPONSE TO GRAND JURY REPORT FORM

Report Title: City of Ukiah vs. Ukiah Valley Sanitation District - Round Three

Report Date: April 3, 2013

Response by: Bruce Baracco **Title:** Executive Officer

FINDINGS

- I (we) agree with the findings numbered: _____
- I disagree wholly or partially with the findings numbered: F5

F5. LAFCo is in a position to facilitate resolution of conflicts between agencies by means of the municipal service review and sphere of influence.

[Attach a statement specifying any portion of the findings that are disputed; include an explanation of the reasons therefor.]

Response:

LAFCo Law (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) does not explicitly provide for LAFCo to act as a conflict resolution agency. Municipal Service Reviews (MSRs) and Spheres of Influence (SOIs) are more appropriately utilized to evaluate the provision of municipal services, and to 'signal' the Commission's intent with respect to reducing, maintaining or expanding an agency SOI. LAFCo may be required to make a decision on an item before it, where affected agencies are not in agreement. However, MSRs and SOIs are not, in and of themselves, vehicles for conflict resolution.

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered R5 require further analysis.

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- R5. LAFCo conduct a feasibility study on consolidation of sewer and water agencies and provide conflict resolution between UVSD and the City of Ukiah.**

[Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.]

Response:

LAFCo Law (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) does not explicitly provide for LAFCo to act as a conflict resolution agency. LAFCo Law under Government Code Section 56378 does authorize LAFCos to initiate and make studies (including presumably feasibility studies) of existing government agencies. However, the initiation and time-frame for a feasibility study to address consolidation of sewer and water agencies is dependent upon sufficient funding. It is not known whether or not such funding would be available within the Grand Jury's six-month timeframe. In addition, the scope and parameters of such a study would need to be identified.

- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.

(Attach an explanation.)

Date: June 3, 2013 Signed: *Eric G. Barlow*

Number of pages attached 0